AMENDMENTS TO LB13

(Amendments to Standing Committee amendments, AM260)

Introduced by Krist

- 1 1. Strike the original amendments and insert the
- 2 following new amendment:
- 3 1. Strike the original sections and insert the following
- 4 new sections:
- 5 Section 1. (1) Beginning January 1, 2017, new
- 6 residential construction in Nebraska shall include radon resistant
- 7 construction. The department shall adopt and promulgate rules
- 8 and regulations that establish the minimum standards for radon
- 9 resistant construction that must be met in order to comply with
- 10 this section. In setting such minimum standards, the department
- 11 shall utilize the recommendations of the Radon Resistant Building
- 12 Codes Task Force developed pursuant to section 2 of this act.
- 13 (2) The enforcement of this section shall be the
- 14 responsibility of any county, city, or village that adopts, as part
- 15 of its residential building code, standards for radon resistant
- 16 construction. Any such standards shall be, by no later than January
- 17 1, 2017, at least as stringent as the minimum standards established
- 18 by the department pursuant to subsection (1) of this section.
- 19 (3) The minimum standards for radon resistant
- 20 construction established by the department pursuant to subsection
- 21 (1) of this section shall include the following requirements:
- 22 (a) The installation of an active radon mitigation system

- 1 shall only be performed by a radon mitigation specialist;
- 2 (b) The installation of radon resistant construction
- 3 may be performed by a residential building contractor or his or
- 4 her subcontractors or a radon mitigation specialist during new
- 5 residential construction; and
- 6 (c) Only a radon mitigation specialist may install a
- 7 radon vent fan or upgrade a passive new construction pipe to an
- 8 active radon mitigation system.
- 9 Sec. 2. (1) The Radon Resistant Building Codes Task Force
- 10 is created. The task force consists of the following members:
- 11 (a) The chief medical officer of the Division of Public
- 12 Health of the Department of Health and Human Services as designated
- 13 in section 81-3115 or his or her representative, who shall serve as
- 14 the chairperson of the task force;
- 15 (b) A representative, designated by the chief medical
- officer, of a home builders' association in Nebraska;
- 17 (c) A representative, designated by the chief medical
- officer, of a home inspectors' association in Nebraska;
- 19 <u>(d) A representative, designated by the chief medical</u>
- 20 officer, of an international building code organization;
- 21 (e) A representative, designated by the chief medical
- 22 officer, of a Nebraska realtors' organization;
- 23 (f) Two representatives, designated by the chief medical
- 24 officer, of respiratory disease organizations, each from a
- 25 different organization;
- 26 (g) A representative, designated by the chief medical
- 27 officer, of a cancer research and prevention organization;

1 (h) A representative, designated by the chief medical

- 2 officer, of the League of Nebraska Municipalities;
- 3 (i) A community public health representative, designated
- 4 by the chief medical officer, from each congressional district; and
- 5 (j) A professional engineer, as defined in section
- 6 81-3422, designated by the chief medical officer.
- 7 (2) The task force shall meet at the call of the
- 8 chairperson. The members shall serve on the task force without
- 9 compensation but may be reimbursed for their reasonable expenses
- 10 as provided in sections 81-1174 to 81-1177. The department shall
- 11 provide staff and support for the operation of the task force.
- 12 (3) The task force shall make recommendations to the
- 13 Governor and the department concerning minimum standards for radon
- 14 resistant construction in new residential construction.
- 15 (4) The task force shall provide its recommendations by
- 16 December 31, 2015. The task force and this section terminate on
- 17 January 1, 2016.
- 18 Sec. 3. Section 71-3501, Reissue Revised Statutes of
- 19 Nebraska, is amended to read:
- 20 71-3501 It is the policy of the State of Nebraska in
- 21 furtherance of its responsibility to protect occupational and
- 22 public health and safety and the environment:
- 23 (1) To institute and maintain a regulatory program for
- 24 sources of radiation so as to provide for:
- 25 (a) Compatibility and equivalency with the standards and
- 26 regulatory programs of the federal government;
- 27 (b) A single effective system of regulation within the

- 1 state; and
- 2 (c) A system consonant insofar as possible with those of
- 3 other states;
- 4 (2) To institute and maintain a program to permit
- 5 development and utilization of sources of radiation for peaceful
- 6 purposes consistent with the protection of occupational and public
- 7 health and safety and the environment;
- 8 (3) To provide for the availability of capacity either
- 9 within or outside the state for the management of low-level
- 10 radioactive waste generated within the state, except for waste
- 11 generated as a result of defense or federal research and
- 12 development activities, and to recognize that such radioactive
- 13 waste can be most safely and efficiently managed on a regional
- 14 basis; and
- 15 (4) To maximize the protection practicable for the
- 16 citizens of Nebraska from radon or its decay products by
- 17 establishing requirements for (a) appropriate qualifications for
- 18 persons providing measurement and mitigation services of radon
- 19 or its decay products, and (b) active radon mitigation system
- 20 installations, and (c) radon resistant construction.
- 21 Sec. 4. Section 71-3503, Revised Statutes Cumulative
- 22 Supplement, 2012, is amended to read:
- 23 71-3503 For purposes of the Radiation Control Act, unless
- 24 the context otherwise requires:
- 25 (1) Radiation means ionizing radiation and nonionizing
- 26 radiation as follows:
- 27 (a) Ionizing radiation means gamma rays, X-rays, alpha

and beta particles, high-speed electrons, neutrons, protons, and

- 2 other atomic or nuclear particles or rays but does not include
- 3 sound or radio waves or visible, infrared, or ultraviolet light;
- 4 and

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- 5 (b) Nonionizing radiation means (i) any electromagnetic
- 6 radiation which can be generated during the operations of
- 7 electronic products to such energy density levels as to present
- 8 a biological hazard to occupational and public health and safety
- 9 and the environment, other than ionizing electromagnetic radiation,
- 10 and (ii) any sonic, ultrasonic, or infrasonic waves which are
- 11 emitted from an electronic product as a result of the operation of
- 12 an electronic circuit in such product and to such energy density
- 13 levels as to present a biological hazard to occupational and public
- 14 health and safety and the environment;
- 15 (2) Radioactive material means any material, whether
- 16 solid, liquid, or gas, which emits ionizing radiation
- 17 spontaneously. Radioactive material includes, but is not
- 18 limited to, accelerator-produced material, byproduct material,
- 19 naturally occurring material, source material, and special nuclear
- 20 material;
- 21 (3) Radiation-generating equipment means any manufactured
- 22 product or device, component part of such a product or device,
- 23 or machine or system which during operation can generate or emit
- 24 radiation except devices which emit radiation only from radioactive
- 25 material;
- 26 (4) Sources of radiation means any radioactive material,
- 27 any radiation-generating equipment, or any device or equipment

1 emitting or capable of emitting radiation or radioactive material;

- 2 (5) Undesirable radiation means radiation in such
- 3 quantity and under such circumstances as determined from time
- 4 to time by rules and regulations adopted and promulgated by the
- 5 department;
- 6 (6) Person means any individual, corporation,
- 7 partnership, limited liability company, firm, association,
- 8 trust, estate, public or private institution, group, agency,
- 9 political subdivision of this state, any other state or
- 10 political subdivision or agency thereof, and any legal successor,
- 11 representative, agent, or agency of the foregoing;
- 12 (7) Registration means registration with the department
- 13 pursuant to the Radiation Control Act;
- 14 (8) Department means the Department of Health and Human
- 15 Services;
- 16 (9) Administrator means the administrator of radiation
- 17 control designated pursuant to section 71-3504;
- 18 (10) Electronic product means any manufactured product,
- 19 device, assembly, or assemblies of such products or devices which,
- 20 during operation in an electronic circuit, can generate or emit a
- 21 physical field of radiation;
- 22 (11) License means:
- 23 (a) A general license issued pursuant to rules and
- 24 regulations adopted and promulgated by the department without the
- 25 filing of an application with the department or the issuance of
- 26 licensing documents to particular persons to transfer, acquire,
- 27 own, possess, or use quantities of or devices or equipment

- 1 utilizing radioactive materials;
- 2 (b) A specific license, issued to a named person upon
- 3 application filed with the department pursuant to the Radiation
- 4 Control Act and rules and regulations adopted and promulgated
- 5 pursuant to the act, to use, manufacture, produce, transfer,
- 6 receive, acquire, own, or possess quantities of or devices or
- 7 equipment utilizing radioactive materials; or
- 8 (c) A license issued to a radon measurement specialist,
- 9 radon mitigation specialist, radon measurement business, or radon
- 10 mitigation business;
- 11 (12) Byproduct material means:
- 12 (a) Any radioactive material, except special nuclear
- 13 material, yielded in or made radioactive by exposure to the
- 14 radiation incident to the process of producing or utilizing special
- 15 nuclear material;
- 16 (b) The tailings or wastes produced by the extraction
- 17 or concentration of uranium or thorium from any ore processed
- 18 primarily for its source material content, including discrete
- 19 surface wastes resulting from uranium or thorium solution
- 20 extraction processes. Underground ore bodies depleted by such
- 21 solution extraction operations do not constitute byproduct
- 22 material;
- 23 (c)(i) Any discrete source of radium-226 that is
- 24 produced, extracted, or converted after extraction for use for a
- 25 commercial, medical, or research activity; or
- (ii) Any material that (A) has been made radioactive by
- 27 use of a particle accelerator and (B) is produced, extracted, or

1 converted after extraction for use for a commercial, medical, or

- 2 research activity; and
- 3 (d) Any discrete source of naturally occurring
- 4 radioactive material, other than source material, that:
- 5 (i) The United States Nuclear Regulatory Commission,
- 6 in consultation with the Administrator of the United States
- 7 Environmental Protection Agency, the United States Secretary of
- 8 Energy, the United States Secretary of Homeland Security, and the
- 9 head of any other appropriate federal agency, determines would
- 10 pose a threat similar to the threat posed by a discrete source of
- 11 radium-226 to the public health and safety or the common defense
- 12 and security; and
- (ii) Is extracted or converted after extraction for use
- 14 in a commercial, medical, or research activity;
- 15 (13) Source material means:
- 16 (a) Uranium or thorium or any combination thereof in any
- 17 physical or chemical form; or
- 18 (b) Ores which contain by weight one-twentieth of one
- 19 percent or more of uranium, thorium, or any combination thereof.
- 20 Source material does not include special nuclear material;
- 21 (14) Special nuclear material means:
- 22 (a) Plutonium, uranium 233, or uranium enriched in the
- 23 isotope 233 or in the isotope 235 and any other material that
- 24 the United States Nuclear Regulatory Commission pursuant to the
- 25 provisions of section 51 of the federal Atomic Energy Act of 1954,
- 26 as amended, determines to be special nuclear material but does not
- 27 include source material; or

1 (b) Any material artificially enriched by any material

- 2 listed in subdivision (14)(a) of this section but does not include
- 3 source material;
- 4 (15) Users of sources of radiation means:
- 5 (a) Physicians using radioactive material or
- 6 radiation-generating equipment for human use;
- 7 (b) Natural persons using radioactive material or
- 8 radiation-generating equipment for education, research, or
- 9 development purposes;
- 10 (c) Natural persons using radioactive material or
- 11 radiation-generating equipment for manufacture or distribution
- 12 purposes;
- 13 (d) Natural persons using radioactive material or
- 14 radiation-generating equipment for industrial purposes; and
- 15 (e) Natural persons using radioactive material or
- 16 radiation-generating equipment for any other similar purpose;
- 17 (16) Civil penalty means any monetary penalty levied on
- 18 a licensee or registrant because of violations of statutes, rules,
- 19 regulations, licenses, or registration certificates but does not
- 20 include criminal penalties;
- 21 (17) Closure means all activities performed at a waste
- 22 handling, processing, management, or disposal site, such as
- 23 stabilization and contouring, to assure that the site is in a
- 24 stable condition so that only minor custodial care, surveillance,
- 25 and monitoring are necessary at the site following termination of
- 26 licensed operation;
- 27 (18) Decommissioning means final operational activities

1 at a facility to dismantle site structures, to decontaminate

- 2 site surfaces and remaining structures, to stabilize and contain
- 3 residual radioactive material, and to carry out any other
- 4 activities to prepare the site for postoperational care;
- 5 (19) Disposal means the permanent isolation of low-level
- 6 radioactive waste pursuant to the Radiation Control Act and rules
- 7 and regulations adopted and promulgated pursuant to such act;
- 8 (20) Generate means to produce low-level radioactive
- 9 waste when used in relation to low-level radioactive waste;
- 10 (21) High-level radioactive waste means:
- 11 (a) Irradiated reactor fuel;
- 12 (b) Liquid wastes resulting from the operation of the
- 13 first cycle solvent extraction system or equivalent and the
- 14 concentrated wastes from subsequent extraction cycles or the
- 15 equivalent in a facility for reprocessing irradiated reactor fuel;
- 16 and
- 17 (c) Solids into which such liquid wastes have been
- 18 converted;
- 19 (22) Low-level radioactive waste means radioactive waste
- 20 not defined as high-level radioactive waste, spent nuclear fuel,
- 21 or byproduct material as defined in subdivision (12)(b) of this
- 22 section;
- 23 (23) Management of low-level radioactive waste means the
- 24 handling, processing, storage, reduction in volume, disposal, or
- 25 isolation of such waste from the biosphere in any manner;
- 26 (24) Source material mill tailings or mill tailings means
- 27 the tailings or wastes produced by the extraction or concentration

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- 1 of uranium or thorium from any ore processed primarily for
- 2 its source material content, including discrete surface wastes
- 3 resulting from underground solution extraction processes, but
- 4 not including underground ore bodies depleted by such solution
- 5 extraction processes;
- 6 (25) Source material milling means any processing of ore,
- 7 including underground solution extraction of unmined ore, primarily
- 8 for the purpose of extracting or concentrating uranium or thorium
- 9 therefrom and which results in the production of source material
- 10 and source material mill tailings;
- 11 (26) Spent nuclear fuel means irradiated nuclear fuel
- 12 that has undergone at least one year of decay since being used as
- 13 a source of energy in a power reactor. Spent nuclear fuel includes
- 14 the special nuclear material, byproduct material, source material,
- 15 and other radioactive material associated with fuel assemblies;
- 16 (27) Transuranic waste means radioactive waste material
- 17 containing alpha-emitting radioactive elements, with radioactive
- 18 half-lives greater than five years, having an atomic number greater
- 19 than 92 in concentrations in excess of one hundred nanocuries per
- 20 gram;
- 21 (28) Licensed practitioner means a person licensed to
- 22 practice medicine, dentistry, podiatry, chiropractic, osteopathic
- 23 medicine and surgery, or as an osteopathic physician;
- 24 (29) X-ray system means an assemblage of components for
- 25 the controlled production of X-rays, including, but not limited to,
- 26 an X-ray high-voltage generator, an X-ray control, a tube housing
- 27 assembly, a beam-limiting device, and the necessary supporting

1 structures. Additional components which function with the system

- 2 are considered integral parts of the system;
- 3 (30) Licensed facility operator means any person or
- 4 entity who has obtained a license under the Low-Level Radioactive
- 5 Waste Disposal Act to operate a facility, including any person
- 6 or entity to whom an assignment of a license is approved by the
- 7 Department of Environmental Quality; and
- 8 (31) Deliberate misconduct means an intentional act or
- 9 omission by a person that (a) would intentionally cause a licensee,
- 10 registrant, or applicant for a license or registration to be
- 11 in violation of any rule, regulation, or order of or any term,
- 12 condition, or limitation of any license or registration issued by
- 13 the department under the Radiation Control Act or (b) constitutes
- 14 an intentional violation of a requirement, procedure, instruction,
- 15 contract, purchase order, or policy under the Radiation Control
- 16 Act by a licensee, a registrant, an applicant for a license or
- 17 registration, or a contractor or subcontractor of a licensee,
- 18 registrant, or applicant for a license or registration;-
- 19 (32) Active radon mitigation system means a family
- 20 of radon mitigation systems involving mechanically driven soil
- 21 depressurization, including subslab depressurization, drain tile
- 22 depressurization, block wall depressurization, and submembrane
- 23 depressurization. Active radon mitigation system is also known
- 24 as active soil depressurization;
- 25 (33) New residential construction means any original
- 26 construction of a single-family home or a multifamily dwelling,
- 27 including apartments, group homes, condominiums, and townhouses;

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- 1 (34) Passive new construction pipe means a pipe installed
- 2 in new construction that relies solely on the convective flow
- 3 of air upward for soil gas depressurization and may consist of
- 4 multiple pipes routed through conditioned space from below the
- 5 foundation to above the roof;
- 6 (35) Radon means the radioactive noble gas radon-222 and
- 7 includes the short-lived radionuclides formed as a result of the
- decay of radon-222, including polonium-218, lead-214, bismuth-214, 8
- 9 and polonium-214;
- 10 (36) Radon measurement specialist means an individual
- 11 who performs radon or radon progeny measurements for a radon
- 12 measurement business or who provides professional advice on
- 13 radon or radon progeny measurements, health risks, radon-related
- 14 exposure, or radon entry routes;
- 15 (37) Radon mitigation specialist means an individual
- 16 who designs mitigation systems or an individual who performs and
- 17 evaluates diagnostic tests to determine appropriate radon or radon
- 18 progeny mitigation systems for a radon mitigation business or is
- 19 able to install active radon mitigation systems;
- 20 (38) Radon resistant construction means construction
- 21 which meets the established standards as prescribed in a national
- 22 radon resistant new construction code;
- 23 (39) Residential building code means an ordinance,
- resolution, or law that establishes standards applicable to new 24
- 25 residential construction; and
- (40) Residential <u>building contractor means</u> 26 any
- individual, corporation, or partnership that constructs new 27

- 1 <u>residential construction.</u>
- 2 Sec. 5. Section 71-3507, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-3507 (1) The department shall adopt and promulgate
- 5 rules and regulations for the issuance, amendment, suspension,
- 6 and revocation of general and specific licenses. Such licenses
- 7 shall be for byproduct material, source material, special nuclear
- 8 material, and radioactive material not under the authority of the
- 9 federal Nuclear Regulatory Commission and for devices or equipment
- 10 utilizing such materials. The rules and regulations shall provide:
- 11 (a) For written applications for a specific license
- 12 which include the technical, financial, and other qualifications
- 13 determined by the department to be reasonable and necessary
- 14 to protect occupational and public health and safety and the
- 15 environment;
- 16 (b) For additional written statements and inspections, as
- 17 required by the department, at any time after filing an application
- 18 for a specific license and before the expiration of the license to
- 19 determine whether the license should be issued, amended, suspended,
- 20 or revoked;
- 21 (c) That all applications and statements be signed by the
- 22 applicant or licensee;
- 23 (d) The form, terms, and conditions of general and
- 24 specific licenses;
- 25 (e) That no license or right to possess or utilize
- 26 sources of radiation granted by a license shall be assigned or
- 27 in any manner disposed of without the written consent of the

- 1 department; and
- 2 (f) That the terms and conditions of all licenses are
- 3 subject to amendment by rules, regulations, or orders issued by the
- 4 department.
- 5 (2) The department may require registration or licensing
- 6 of radioactive material not enumerated in subsection (1) of this
- 7 section in order to maintain compatibility and equivalency with
- 8 the standards and regulatory programs of the federal government or
- 9 to protect the occupational and public health and safety and the
- 10 environment.
- 11 (3)(a) The department shall require licensure of persons
- 12 providing measurement and mitigation services of radon or its decay
- 13 products in order to protect the occupational and public health and
- 14 safety and the environment.
- 15 (b) The department shall adopt and promulgate rules
- 16 and regulations establishing education, experience, training,
- 17 examination, and continuing competency requirements for radon
- 18 measurement specialists and radon mitigation specialists.
- 19 Application for such licenses shall be made as provided in the
- 20 Uniform Credentialing Act. Such persons shall be credentialed in
- 21 the same manner as an individual under subsection (1) of section
- 22 38-121 and shall be subject to disciplinary action pursuant to
- 23 section 71-3517. Continuing competency requirements may include,
- 24 but not be limited to, one or more of the continuing competency
- 25 activities listed in section 38-145. Any radon measurement
- 26 technician license issued prior to December 1, 2008, shall remain
- 27 valid as a radon measurement specialist license on and after such

1 date until the date such radon measurement technician license would

- 2 have expired. Such radon measurement specialist license shall be
- 3 subject to rules and regulations adopted and promulgated by the
- 4 department.
- 5 (c) The department shall adopt and promulgate rules and
- 6 regulations establishing staffing, proficiency, quality control,
- 7 reporting, worker health and safety, equipment, and record-keeping
- 8 requirements for radon measurement businesses and radon mitigation
- 9 businesses and $\underline{active\ radon\ }\underline{mitigation}$ system installation
- 10 requirements for radon mitigation businesses.
- 11 (4) The department may exempt certain sources of
- 12 radiation or kinds of uses or users from licensing or registration
- 13 requirements established under the Radiation Control Act when
- 14 the department finds that the exemption will not constitute a
- 15 significant risk to occupational and public health and safety and
- 16 the environment.
- 17 (5) The department may provide by rule and regulation
- 18 for the recognition of other state or federal licenses compatible
- 19 and equivalent with the standards established by the department for
- 20 Nebraska licensees.
- 21 (6) The department may accept accreditation for an
- 22 industrial radiographer by a recognized independent accreditation
- 23 body, a public agency, or the federal Nuclear Regulatory
- 24 Commission, which has standards that are at least as stringent as
- 25 those of the State of Nebraska, as evidence that the industrial
- 26 radiographer complies with the rules and regulations adopted and
- 27 promulgated pursuant to the act. The department may adopt and

1 promulgate rules and regulations which list accreditation bodies,

- 2 public agencies, and federal programs that meet this standard.
- 3 (7) The department may enter at all reasonable times
- 4 upon any private or public property for the purpose of determining
- 5 whether or not there is compliance with the act and rules and
- 6 regulations adopted and promulgated pursuant to the act, except
- 7 that entry into areas under the jurisdiction of the federal
- 8 government shall be effected only with the concurrence of the
- 9 federal government or its duly designated representative.
- 10 (8) The department shall cause to be registered with the
- 11 department such sources of radiation as the department determines
- 12 to be reasonably necessary to protect occupational and public
- 13 health and safety and the environment as follows:
- 14 (a) The department shall, by public notice, establish a
- 15 date on or before which date such sources of radiation shall be
- 16 registered with the department. An application for registration
- 17 shall be either in writing or by electronic means and shall state
- 18 such information as the department by rules or regulations may
- 19 determine to be necessary and reasonable to protect occupational
- 20 and public health and safety and the environment;
- 21 (b) Registration of sources of radiation shall be
- 22 an initial registration with appropriate notification to the
- 23 department in the case of alteration of equipment, acquisition of
- 24 new sources of radiation, or the transfer, loss, or destruction of
- 25 sources of radiation and shall include the registration of persons
- 26 installing or servicing sources of radiation;
- 27 (c) Failure to register or reregister sources of

1 radiation in accordance with rules and regulations adopted and

- 2 promulgated by the department shall be subject to a fine of not
- 3 less than fifty dollars nor more than two hundred dollars; and
- 4 (d) The department may provide by rule and regulation for
- 5 reregistration of sources of radiation.
- 6 (9) The results of any surveys or inspections of sources
- 7 of radiation conducted by the department shall be public records
- 8 subject to sections 84-712 to 84-712.09. In addition, the following
- 9 information shall be deemed confidential:
- 10 (a) The names of individuals in dosimetry reports;
- 11 (b) Emergency response procedures which would present a
- 12 clear threat to security or disclose names of individuals; and
- (c) Any other information that is likely to present
- 14 a clear threat to the security of radioactive material. The
- 15 department shall make such reports of results of surveys or
- 16 inspections available to the owner or operator of the source
- 17 of radiation together with any recommendations of the department
- 18 regarding deficiencies noted.
- 19 (10) The department shall have the right to survey or
- 20 inspect again any source of radiation previously surveyed without
- 21 limitation of the number of surveys or inspections conducted on a
- 22 given source of radiation.
- 23 (11) The department may enter into contracts with
- 24 persons or corporations to perform the inspection of X-ray
- 25 radiation-generating equipment or devices which emit radiation
- 26 from radioactive materials and to aid the department in the
- 27 administration of the act.

Sec. 6. Section 71-3508.03, Reissue Revised Statutes of Nebraska, is amended to read:

3 71-3508.03 (1) The department shall establish by rule 4 and regulation annual fees for the radioactive materials licenses, 5 for inspections of radioactive materials, for the registration and inspection of radiation-generating equipment and other sources 6 7 of radiation, and for radon measurement and mitigation business licenses and inspections of active radon mitigation systems 8 9 installations under the Radiation Control Act. The annual fee for 10 registration and inspection of X-ray radiation generating equipment 11 used to diagnose conditions in humans or animals shall not exceed 12 four hundred dollars per X-ray machine. The department shall also establish by rule and regulation additional fees for environmental 13 surveillance activities performed by the department to assess 14 15 the radiological impact of activities conducted by licensees and 16 registrants. Such activities shall not duplicate surveillance 17 programs approved by the federal Nuclear Regulatory Commission and 18 conducted by entities licensed by such commission. No fee shall 19 exceed the actual cost to the department for administering the act. 20 The fees collected shall be remitted to the State Treasurer for 21 credit to the Health and Human Services Cash Fund and shall be used 22 solely for the purpose of defraying the direct and indirect costs 23 of administering the act. The department shall collect such fees. 24 (2) The department may, upon application by an interested 25 person or on its own initiative, grant such exemptions from 26 the requirements of this section as it determines are in the

public interest. Applications for exemption under this subsection

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- 1 may include, but shall not be limited to, the use of licensed
- 2 materials for educational or noncommercial displays or scientific
- 3 collections.
- 4 (3) When a registrant or licensee fails to pay
- 5 the applicable fee, the department may suspend or revoke the
- 6 registration or license or may issue an appropriate order.
- 7 (4) The department shall establish and collect fees for
- 8 licenses for individuals engaged in radon detection, measurement,
- 9 and mitigation as provided in sections 38-151 to 38-157.
- 10 Sec. 7. Section 71-3519, Reissue Revised Statutes of
- 11 Nebraska, is amended to read:
- 12 71-3519 Sections 71-3501 to 71-3520 and sections 1 and
- 13 2 of this act shall be known and may be cited as the Radiation
- 14 Control Act.
- 15 Sec. 8. Original sections 71-3501, 71-3507, 71-3508.03,
- 16 and 71-3519, Reissue Revised Statutes of Nebraska, and section
- 17 71-3503, Revised Statutes Cumulative Supplement, 2012, are
- 18 repealed.